

Application Reference: 2024/0284

Site Address: Belle Green Court Residential Home, Belle Green Lane, Cudworth, Barnsley, S72 8LU

Introduction:

This application seeks full planning permission for the demolition of former cinema building and erection of care home extension to provide 16no. bedrooms on ground floor and staff/admin rooms on second floor.

Relevant Site Characteristics

The site is located within Cudworth, with Belle Green Court Residential Home lying to the east of the main shopping area on the Barnsley Road. The surrounding area is a mix of uses with a public house, takeaways, and beauty salons to the opposite side of Barnsley Road, to the West and North.

Directly adjacent to the care home is a car dealership. The existing use is also surrounded by residential development to the south and east of the site where terrace dwellings are sited along Market Place and Village Court. There are new developments sited on Belle Green Lane and beyond.

Belle Green Court Care Home was built in 1998/1999 as a purpose built 40 Bedroom care home. The Care Home has 13 parking spaces. There is also on street parking on Market Place and Belle Green Lane.

The adjacent Art Deco influenced former cinema appears to have been built in the 1920's. Historic maps from 1904 indicate buildings on the site of the current care home and cinema known as Rock House. The 1930 map shows the Picture House in its current location.

The Picture House subsequently became a bingo club and then with a change of use application for retail use granted in 1999 (B/98/0666/CU), occupied by Ramsdens Direct, a Brand name clearance outlet that occupied the former picture house until 2019 when the premises were put up for sale.

The site slopes down from West to East with the frontage of the care home appearing as a single storey building with two stories to the rear.

Site History

Application Reference	Description	Status (Approved/Refused)
98/0666	Change of use of building for retail use	Approved
97/0172	Erection of 40 bed residential nursing home for the elderly.	Approved with conditions
96/0453	Erection of nursing home with car parking (Outline)	Approved with conditions

A pre-application enquiry was submitted for the redevelopment of the site under ref:- 2023/ENQ/00188- Demolition of former cinema building and development of 16-bedroom extension to care home, with second floor training and administration facilities, and development of 17 flats.

A planning application has also been submitted for the adjacent site (part of the site of the former cinema building) under application 2024/0458 - Outline application for 12 apartments following demolition of existing building with access, layout and scale under consideration at this stage – This application is currently under consideration.

Detailed description of Proposed Works

This application seeks full planning permission for the demolition of former cinema building and erection of care home extension to provide 16no. bedrooms on ground floor and staff/admin rooms on second floor. There is also an application submitted on the remainder of the former cinema site for an outline application for the erection of 12 apartments, under separate consideration as application ref 2024/0458. The red line boundary of the application site covers the area of land for the whole of the former cinema site due to the demolition works required, however this application relates to the care home extension only, and a construction phasing document has been submitted which deals with how the remainder of the site would be secured and maintained.

The proposed care home development extension is designed as a 2 and half storey building with rooms in the roofspace and a feature stone clad flat roofed element to the end corner of the building. The elevations submitted show a building that is stepped down towards the southern and eastern boundaries.

Amendments have been made during the course of the application which include amendments to the car park to provide 18 car parking spaces at the request of the Highways Officer. Further details were also provided in terms of BNG as requested by the Ecology Officer.

In support of the application, the agent states that: ‘Belle Green Court Care Home to extend their current home to bring the total number of bed spaces up to 60 from the current 40/42 bedrooms. The gross internal floor area of the existing care home is 1954sqm and the existing cinema building 1160 sqm. The care home will be extended by 774 sqm, the total gross internal floor area of the extended home will be 2728 sqm, 45 sqm. per bedspace which is in line with National Standards.

The appearance will need to be of a high quality and reflective of the commercial surroundings but also the residential developments to the South and East. Tying the Care Home to the possible future development of dwellings is proposed to be achieved by introducing a more contemporary flat roofed building to almost create a bookend to both any new development and extended home.

The use of different high quality material will break up the street scene and the terracing reflects that of the dwellings on Belle Green Lane. The massing of the care home extension is set back behind the line of the former cinema building, and conforms to the SPD ‘Design of housing Development’ external standards “where front elevations face a road, dwellings should be a minimum of 12m apart”. The Care Home element sits opposite Saville Street and 2-4 Belle Green Lane which are in excess of 18 metres apart.

Materials for the proposed care home have been changed from timber to stacked local stone which will maintain the contemporary appearance to the ‘bookend’ nature of the care home extension to reduce maintenance concerns and the sign has been removed from the main elevation in response to comments received as part of the pre application response.’

The following documents have been submitted in support of the application:-

- Design and Access Statement
- Retail Assessment

- Transport Statement
- Tree Survey





Proposed Elevations



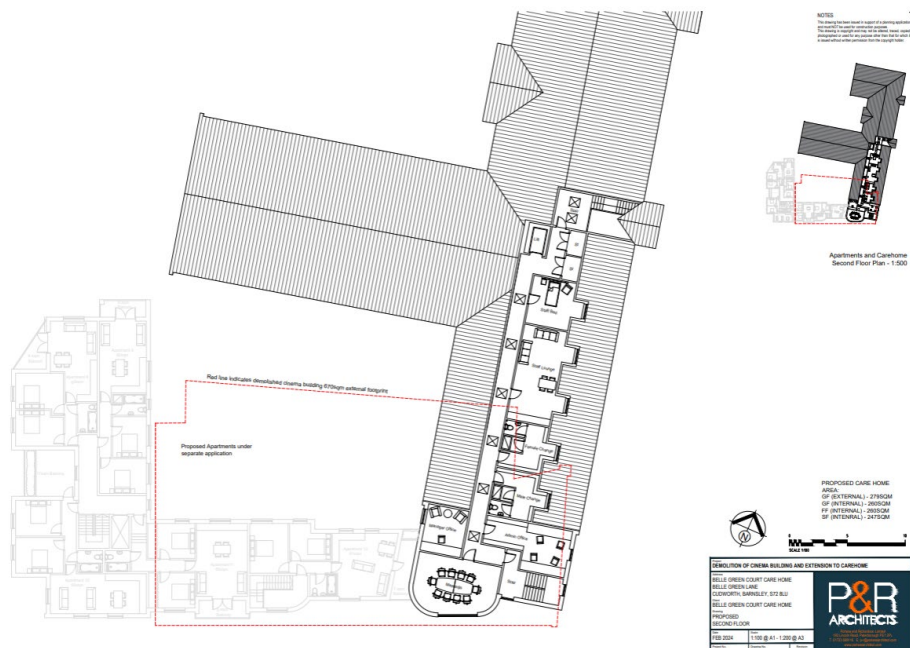
Indicative massing comparison for both schemes



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan

Relevant policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried

out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

The following Local Plan policies are relevant in this case:

Policy GD1 'General Development' provides a starting point for making decisions on all proposals. for development setting out various criteria against which applications will be assessed.

Policy LG2 'Location of Growth' give priority to Urban Barnsley and the Principle Towns.

Policy T3 'New Development and Sustainable Travel' looks to promote growth in sustainable, accessible locations.

Policy T4 'New development and Transport Safety' expects new development to provide safe, secure and convenient access and movement.

Policy D1 'Design' sets various criteria against which the design of development will be judged.

Policy TC1 'Town Centres' supports maintaining and enhancing the vitality and viability of the hierarchy of centres.

Policy BIO1 'Biodiversity and Geodiversity'

Policy CC1 'Climate Change'

Policy CC2 'Sustainable Design and Construction'

Policy CC3 'Flood Risk'

Policy CC4 'Sustainable Drainage Systems'

Policy RE1 'Low Carbon and Renewable Energy'

Poll1 'Pollution Control and Protection'

Policy H4 'Residential Development on Small Non-allocated Sites'

Policy H6 'Housing Mix and Efficient Use of Land'

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Parking
- Trees and Hedgerows
- Biodiversity and Geodiversity
- Residential Amenity and the Siting of Buildings
- Design of Housing Developments

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Other

-South Yorkshire Residential Design Guide

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. A site notice was also posted adjacent to the site.

Yorkshire Water – No objections subject to conditions

Drainage – Details to be checked by Building Control

Ecology – No objections subject to conditions

Pollution Control – No objections subject to conditions

Tree Officer – No comments received

Urban Design Officer – No objection subject to conditions

Highways – No objections subject to conditions

Ward Cllrs – No comments received

South Yorkshire Police SBD – Comments offered in relation to SBD security measures

Representations

2 objections have been received which raise the following concerns

- Concerns raised with regard to parking
- Highway safety is an issue, including emergency vehicles needing constant access.
- The trees nearly opposite the home are also a health and safety issue
- Concerns regarding demolition

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle

The subject site is allocated as within the district centre of Cudworth. Policy TC1 states that “The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres”.

Underneath Policy TC1 it provides specific detail on Cudworth and states the following: “Cudworth is one of the smaller district centres with the main retail and service provision located along the main Barnsley Road. It is average in terms of vitality and viability. Its strengths include the amount of shopping floorspace, the absence of floorspace outside the centre, the lack of charity shops and good pedestrian flows and availability of public transport.

Aims for the future of Cudworth are to improve the provision of leisure, cultural and entertainment activities, attract non-food multiple retailers, and to improve movement for pedestrians and cyclists. The strategic direction for Cudworth is to intensify, (that is to realise its potential within its existing boundaries by redeveloping and reconfiguring to intensify the level of current town centre uses).”

It is considered that the loss of the former cinema retail building and development of the site for the care home extension, could potentially be contrary to the future aims of Cudworth as the proposal is not for town centre uses and would lose a small part of the district centre that could be utilised as such.

The applicants have provided a statement of justification to justify the loss of the retail use. The statement outlines that:- ‘Prior to the applicants purchase in 2020 the former cinema had

been operated as a brand name clearance outlet for around 10 years. The premises had been poorly maintained in that time and was put up for sale in 2018, Ramsdens closing down in 2019

Although located in a sustainable urban location close to public transport routes as acknowledged the site is on the outskirts of the district centre. From the lengthy time that the property was on the market and disused (in excess of 18 months) and the subsequent pandemic it is extremely likely that it would have been possible to let or sell the building as a retail unit which is reflective of the general trends in retailing and commercial uses. Since the applicants purchase of the building whilst they have not actively sought to rent the site, the greater value being in the expansion of the care home, there have been no enquiries for short term leases or seasonal lets that sometimes occur on similar premises.

Although a significant building and visible off of Barnsley Road there are no other retail premises in similar locations, a single small retail unit on Market Place also closed with proposals for conversion. Any future retail use would also potentially exacerbate the current parking issues with the local public house and fast food takeaways on Barnsley Road.

A brief retail study is summarized in Appendix A, and whilst Cudworth does perform better than similar town centres there are still several vacant properties and 'secondary' type uses. With Aldi and the Co-op occupying the two larger premises on Barnsley Road it is unlikely that a further food retailer would come forward with an interest in the site.

As a retail site there appears to be little or no interest, the applicant wishes to invest significant funds into the development which will also safeguard the future viability of the care home and provide residential apartments of a high standard. In Summary, It is also clear that there is no current demand for retail or other 'town centre' uses. In the current economic climate there appears likely to be little future demand and owing to general changes in retailing, the likelihood of the retail use or there commercial uses of the site become viable seems to be slim.'

In this instance it is acknowledged that the site of the former cinema is on the edge of the district centre and the care home extension would only be located on a small proportion of the site. The remainder of the site is being dealt with via a separate planning application. The former cinema building is now vacant and whilst its loss is regrettable, it is clear that the building is no longer required in its current form and is currently unsightly. The proposal involves the erection of an extension to an established as a care home, with much needed additional bedroom space. Local Plan Policy H4, residential development on small non-allocated sites, states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the plan. It is therefore considered that the principle of the development would be acceptable. In terms of justification, it is also acknowledged that previous affordable housing comments have noted that the 2021 SHMA identifies an additional need for 789 additional units of residential care provision (C2) across the borough with table 6.5 of the SHMA indicating that 7.5% of older persons in the Rural East sub-market area would look to reside in a residential care home (result derived from Household Survey). As such, there is an expectation that there would be a demand for this type of care home accommodation at this location and as above, the loss of the former cinema building is acceptable and the harm to the retail area is considered to be limited.

The proposal is acceptable in principle, subject to other material considerations below:-

Scale, Design and Impact on the Character

As stated above, the demolition of the existing cinema building is regrettable, however it is not a Listed Building and it appears to be in a poor condition. The proposed care home development extension is designed as a 2 and half storey building with rooms in the roofspace and a feature stone clad flat roofed element to the end corner of the building. The scale and design of the proposal is acceptable, given the scale of the existing cinema building on site, and the extension is in keeping with the existing care home. The elevations submitted show a building that is stepped down towards the southern and eastern boundaries with a variety of different heights seen throughout the development which allows for interest and breaks up the massing.

The proposed elevations have been considered in detail by the Urban Design Officer who has raised no concerns subject to conditions:- 'I am generally supportive of this planning application and appreciate the changes that have been made in relation to my pre-application comments.'

I would suggest:

- A condition on materials, (as no supplier/ spec is given on materials)
- A condition on soft and hard landscaping, (as no soft landscaping species are given)

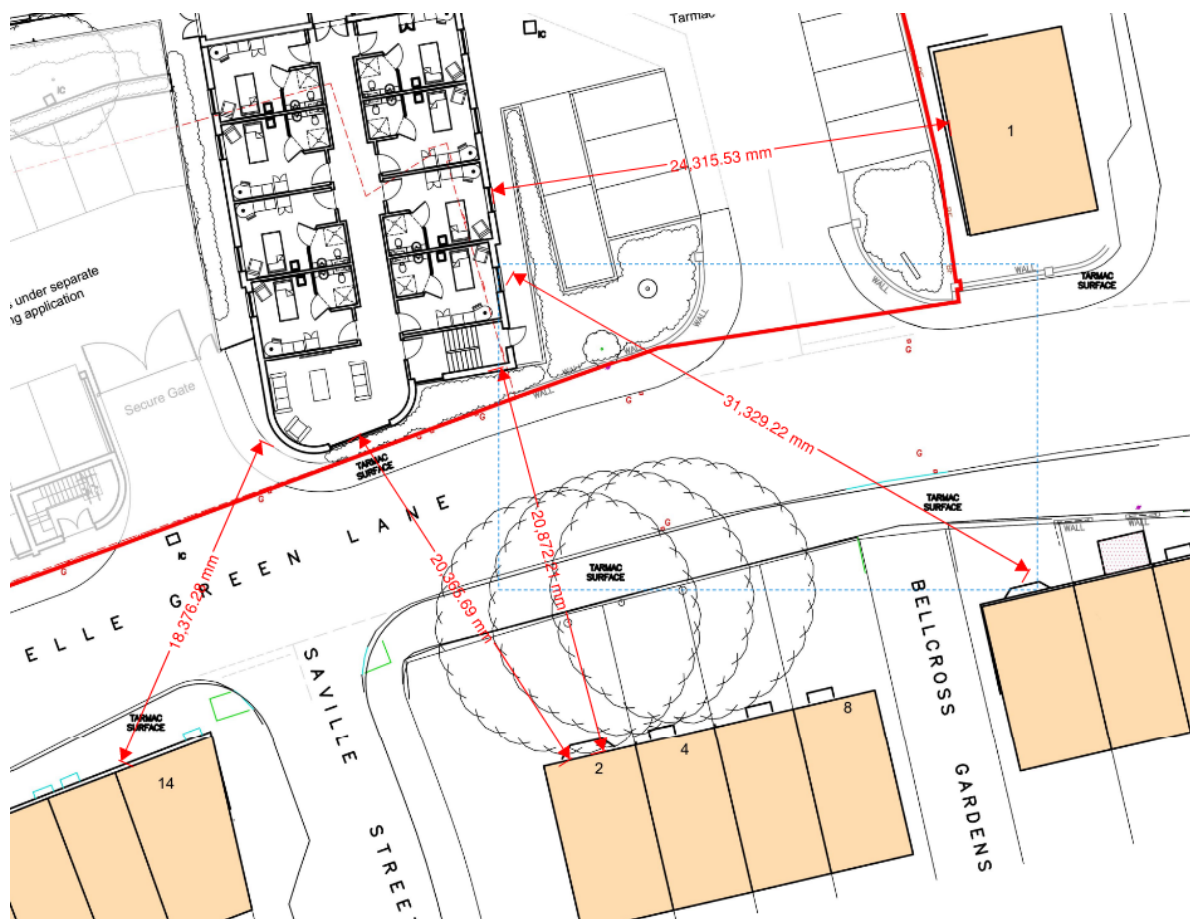
Subject to the above conditions regarding the proposed materials and landscaping to be finally agreed, there are no objections in terms of the impact upon the character of the area and visual amenity in accordance with Local Plan Policy D1.

Impact on Neighbouring Amenity

Given the proximity of the site to residential dwellings, the proposed extension to the care home has been designed so that it would not significantly impact the amenity of the adjacent residents.

As can be seen on the plan below, an analysis of the separation distances from adjacent buildings and their habitable room windows has taken place and there are sufficient separation distances from the proposed building and any habitable room windows to the adjacent dwellings. The SPD states that 'Where front elevations face a road, the dwellings should be an appropriate distance apart. The Council will accept a minimum of 12 metres where the dwellings are of the same storey, and it will achieve a streetscape that reflects local character.' The building is of 2.5/3 storeys in height, therefore the distances shown below (minimum of 18m) are acceptable in order to protect the amenity of the adjacent dwellings.

The building is also set to the north and east of the adjacent dwellings, therefore any overshadowing impacts would be reduced.



In terms of additional activity at the site, given the use as an existing care home there should not be significant disturbance to the adjacent dwellings once the building has been constructed. The Pollution Control Officer has also not raised any concerns subject to the imposition of conditions to be applied during the construction and demolition of the site. Any impact upon adjacent residents is considered to be limited, and the proposal is therefore acceptable when measured against policy GD1.

In terms of the amenity of the proposed residents, the care home has sufficient shared outdoor amenity space and there is no requirement for private outdoor space for this type of development.

Highways

Concerns have been raised with regard to parking and the impact of the proposal upon Highway Safety. The Highways Officer has been consulted and has no objections to the scheme. The existing access is considered to be acceptable, and all previously raised issues have been satisfactorily addressed during the application process and the amended plan now incorporates a suitable car parking layout accommodating 18 spaces, which is in accordance with the SPD Parking.

It is therefore considered that the proposals do not adversely impact upon the highway and are acceptable from a highways perspective in accordance with Local Plan Policy T4.

Ecology

Ecology reports have been submitted with the application. The report states that 'the site is potentially used by very few protected and notable species, the habitats are relatively species poor and the impact of the proposed development in the absence of mitigation is relatively low, with as much of the vegetation retained as possible.' The submitted bat report states that a bat survey was carried out on the care home and cinema building. 'The survey identified that the buildings on site had negligible suitability to support roosting bats but a single bat can roost almost anywhere, so care should be taken during the demolition. In the event an unexpected bat is found during work, the work in that area should cease and a suitably qualified ecologist contacted for further advice. The nesting bird mitigation will ensure no active nests are impacted by the proposed works (the only likely protected or notable species identified within the site), and the enhancement measures will slightly improve the biodiversity opportunities within the new building.'

The Ecology Officer has been consulted and has no objection to the proposal subject to conditions. Proposals have been amended to include two small trees within the proposed garden area in order to achieve the Biodiversity Net Gain requirement. This allows the proposals to achieve a gain of 0.027 habitat units (representative of a 11.87% gain). The landscape proposals also include a native species-rich hedgerow. The Biodiversity Net Gain requirement will be met on this basis. These proposals will be confirmed when discharging the biodiversity gain condition. As the landscaping proposals are not deemed as significant, a condition for a Habitat Management and Monitoring Plan is not considered necessary; however, a Biodiversity Enhancement Management Plan (BEMP) should be conditioned to secure the implementation of proposed landscaping and the incorporation of other measures set out within the Ecological Impact Assessment (EclA).

Drainage and Flood Risk

The site is not situated within an area of flood risk and the drainage officer has been consulted and has no objection to the scheme. Yorkshire Water also have no objections but have suggested conditions which should be added to the decision notice should permission be granted.

Impact on Trees

Concerns have been raised with regard to the safety of the Trees within the Care Home site. A Tree Survey has been submitted with the application and in terms of the impact on trees, there are trees within the site boundaries of the care home and the former cinema building. In terms of the care home extension, it is noted that the only trees which would be implicated directly in terms of removals are the large conifer hedge and the small shrubs which are located between the former cinema and the existing care home which is acceptable, as the tree report states that they are unsustainable in that location, growing close to the adjacent building with the tops touching the upper brick work and there is damage showing to the adjacent retaining wall.

There are other trees on the site and in relatively close proximity to the proposed demolition works and as such the retained trees would also need protection during any works and as such an arboricultural method statement to be secured by a pre-commencement condition. New planting is proposed as part of the landscaping and ecology enhancement scheme, however this should be conditioned to ensure that the position and species of planting are agreed, in accordance with Local Plan Policy BIO1.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Amended parking plan submitted increasing the number of parking spaces

Further information submitted for BNG